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RUEHUL/AMEMBASSY SEOUL PRIORITY 5264
RUEHKO/AMEMBASSY TOKYO PRIORITY 1378
RUEHWL/AMEMBASSY WELLINGTON PRIORITY 2606
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S E C R E T SECTION 01 OF 04 BANGKOK 000325

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TAGS: PHUM PGOV KPAO KJUS TH

SUBJECT: THAILAND: LESE MAJESTE ARRESTS AND ACTIONS AGAINST
WEB CONTENT ON THE RISE, BUT RISK BACKLASH

REF: A. 08 BANGKOK 00140 (THAI COURT)
 1B. 08 BANGKOK 003398 (UPDATE)
 1C. 08 BANGKOK 3350 (UPTICK IN ANGER)

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Classified By: Ambassador Eric G. John, reason 1.4 (b) and (d).

SUMMARY AND COMMENT

11. (C) Legal action in the courts and against websites on grounds of lese majeste, or offense to the monarchy, have seemingly increased under the new Democrat-led coalition government, with both the Justice Minister and the Information and Communication Technology (ICT) Minister having stated publicly that combating lese majeste violations is their top priority. Those recently charged, arrested, or convicted include Marxist Professor Giles Ungpakorn, website commentator Suwicha Thakor, and "redshirt" supporter Bunyuen Prasoetying. For its part, the ICT Ministry has flagged over 10,000 URLs that contained content deemed offensive to the monarchy, with 2,000 such URLs already blocked. The Bangkok-based distributor of The Economist halted distribution of an issue for the third time in two months due to an article which touched on the alleged role of the monarchy in politics.

12. (C) Comment: While the political crisis that gripped Thailand the second half of 2008 has disappeared from the streets for now, the deep gulf in Thai society and the body politic remains, and the eventual fate of the monarchy is one of the key cleavage lines. The struggle by many parties for position and advantage in shaping public perceptions in anticipation of the passing of the revered King, a potential messy succession involving the far less respected Crown Prince, and the almost certain redefinition of the role of the institution of monarchy continues unabated.

13. (C) Comment, continued: Many of the Democrat Party leaders who have moved into top government positions are cosmopolitan, well-educated people who nevertheless appear to

be facilitating growing efforts to clamp down on forms of speech critical of the monarchy. Whether that is primarily out of personal conviction or political advantage, or both, remains unclear. Thailand has a reasonably strong and active civil society, however, that promotes changing societal attitudes towards traditional institutions and behavioral norms; this issue will not be easily swept under the carpet. Broad-brushed efforts against all unflattering mention of the institution, King, Queen, and Crown Prince through crude application of the blunt instrument of lese majeste laws, without distinction between those who actually intend ill towards the monarchy and those expressing opinions which otherwise would not find an audience, may end up undermining the institution the law is meant to protect -- an unintended consequence akin to the People's Alliance for Democracy's (PAD) extreme actions in 2008 and the Queen's ill-advised patronage of the October 13 funeral of a PAD demonstrator. End Summary and Comment.

LESE MAJESTE: A MATTER OF NATIONAL SECURITY?

¶4. (SBU) Justice Minister Pirapan stated to the press January 14 that protecting the monarchy was his top priority. He referred to the monarchy as "the pillar of national security," and explained that "freedom of speech might have to be compromised for the sake of national security." Pirapan called on January 24 for the MFA to instruct Thailand's diplomatic missions abroad to launch public relations campaigns about lese majeste laws and the legal repercussions for insults to the monarchy, according to the media. In similar fashion, ICT Minister Ranongrak Suwanchawee has said publicly that blocking websites with

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content offensive to the monarchy is her top priority. Ministry sweeps of the Internet had flagged over 10,000 URLs that contained content offensive to the monarchy, and 2,000 such URLs had already been blocked.

¶5. (C) The Senate established the "Special Senate Committee to Follow-up on Enforcement of the Lese Majeste Law" January 23 in a 90-17 vote. The committee, proposed by Senator Khamnoon Sitthisamarn and headed by national police chief Patcharawat Wongsuwan, is intended to ensure the enforcement of laws and articles relating to the protection of the monarchy, in a move that some human rights activists termed as "McCarthy-like." The committee appears to have already established a Thai-language website, www.protecttheking.net, which provides an online form for people to report lese majeste.

¶6. (C) For its part, the Army maintains a special unit tasked with tracking and identify lese majeste offenses through 24-hour sweeps of websites, according to a leading NGO activist with close ties to security forces (see Ref C for an earlier description of such a military effort). The Army unit works closely with the Department of Special Investigations (DSI), had superior surveillance technology than the ICT Ministry, aimed to focus on "high-profile" offenders with the highest audience reach, and was known to visit them at their homes, according to the expert.

COMMENTS, PHOTO POSTED TO INTERNET LAND BLOGGER IN JAIL

¶7. (S/NF) Department of Special Investigation (DSI) police arrested oil rig engineer Suwicha Thakhor on January 14 after seizing his computer equipment. Media reports alleged that Suwicha's employer fired him following the arrest, and he remained in prison without bail after police deemed him to be at risk for repeating his online remarks. An NGO expert familiar with the case told us on January 30 that Suwicha had posted something "really bad" about the Crown Prince and had included pornographic photos of the Crown Prince's consort, Princess Srirasmi. (Note: two sets of nude photographs of

Srirasmi, believed to have been taken at the Crown Prince's direction before being leaked, started circulating in Thailand in 2007. Similar photos of the Crown Prince's latest mistress have recently started circulating on the internet, according to several contacts who claim to have seen them.)

¶8. (S/NF) Suwicha, similar to activists Bunyuen Prasoetying (below) and Daranee Charnchansinlapakun (ref B), was denied bail, denied immediate access to a lawyer, and confessed before having such access, according to the NGO expert. Suwicha's lawyer told him that police had extracted a confession from Suwicha after they threatened to bring the Crown Prince to the jail for a face-to-face meeting.

¶9. (SBU) Widespread online and print media coverage of Suwicha's arrest prompted Justice Minister Pirapan Salirathavibhaga to request on January 15 that all lese majeste-related arrests not be disclosed. Pirapan reportedly instructed DSI to help stem media coverage of any radio station closures, website censorship, or arrests related to lese majeste.

MARXIST ACADEMIC CHARGED

¶10. (C) Special Branch Police (SBP) charged Chulalongkorn political science professor and self-proclaimed Marxist Giles "Ji" Ungpakorn with lese majeste on January 20 based on several paragraphs in his 2007 book "Coup for the Rich," publication of which Ungpakorn claims police attempted to block through intervention with Chulalongkorn University. Giles told us January 15 that SBP had warned him that a quote

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from Paul Handley's banned book "The King Never Smiles" was problematic. Ungpakorn claimed that he only cited the Handley's text to refute it as hearsay, but it is well known that restating material deemed to violate lese majeste is treated as an offense in its own right. Giles, who has traditionally attacked all elements of the traditional Thai elite, including all political forces without distinction, noted that despite earlier pressure from Special Branch, formal charges did not surface until the inauguration of a Democrat-led government.

¶11. (C) Giles blamed the looming prospect of succession within the monarchy for the surge in lese majeste cases, believing that the authorities sought to stifle dissent that might undermine support for the monarchy, even as quiet public concern grew over the Crown Prince's possible accession to the throne. Giles characterized lese majeste charges as a fear tactic that left individuals with long-term cases to manage and caused hardship for family members. He explained that he was willing to fight an open political campaign against the criminalization of lese majeste and had planned a world-wide public relations blitz. (note: U.S. and UK professors have circulated a petition among academics world-wide in support of Ungpakorn and started a website intending to raise awareness of his and other cases. A human rights expert told us February 4 that Giles' famous surname--his father was one of the revered 20th giants of Thai civil society--and connections made him ultimately untouchable, in contrast to less influential and more vulnerable critics such as Suwicha).

UNDER THE RADAR, UDD SUPPORTER SENTENCED TO SIX YEARS

¶12. (C) United Front for Democracy Against Dictatorship (UDD) supporter Bunyuen Prasoetying was sentenced to six years' imprisonment on November 6, after having been held without bail since August 15, for remarks made at a pro-Thaksin rally earlier in 2008. However, media reports of the sentencing did not surface until January 7, when online news media site Prachatai.com reported the story. To our knowledge, no Thai-language printed news source reported on the conviction;

online blogs and other websites provide links to the Prachatai.com report.

"THE ECONOMIST" THAI DISTRIBUTOR SELF-CENSORS

¶13. (C) AsiaBooks, the Thai distributor of The Economist, told us February 3 they had chosen not to distribute a third issue in the last two months (December 6, January 24, and January 31) due to sensitive content related to the role of monarchy in politics. The distribution supervisor reasoned that Asia Books had to comply with Thai laws and thus had withdrawn the controversial material. She confirmed to us that no political or law enforcement pressure influenced Asia Book's decisions in this matter (note: the December 6 edition, with the King on the cover, aggressively questioned the role of the monarchy; the January 24 edition republished the passage which had led to the conviction of Australian author Nicolaides (ref A); and the January 31 edition referred to the Queen's intervention in politics).

THAI NETIZENS: REALITY DEFEATS PM'S GOOD INTENTIONS

¶14. (C) Co-founder of anti-censorship NGO Thai Netizen Network Supinya Klangnarong told us on January 23 that she had initially felt optimistic about the new Democrat Party-led government following a January 14 meeting with Prime Minister Abhisit. She described Abhisit as "diplomatic and open," stating that he had "no intention to amend" the Computer Crime Act. Abhisit reinforced this message at his

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mid-January appearance at the Foreign Correspondent's Club (FCCT), when he asserted the draft bill, promoted by the Justice Minister with the support of other Democrat Party MPs and intended to significantly strengthen lese majeste provisions, was not his priority. Her organization intended to find a "non-confrontational" way to address growing concerns about civil liberties online, perhaps via a working group of ministries and civil society groups. The charges against Ungpakorn, the sentencing of Nicolaides, and the arrest of Suwicha had tempered the initial optimism, Supinya added.

FRIENDLY FOREIGNERS FLAG CONCERN TO PALACE INSIDERS

¶15. (C) Several private Americans with long-term experience in Thailand and good connections with palace insiders weighed in "as friends" February 3-5 out of concern that the increased application of lese majeste, without distinction between those who mean ill towards the monarchy and those who otherwise would be ignored, ran the risk of undermining the very institution the law seeks to protect, and which they feel has served Thailand well through the decades. The reception to the message was mixed. Privy Councilors Prem Tinsulanonda, Surayud Chulanont, and Siddhi Savetsila thanked one U.S. businessman for the "very good advice; we'll take it seriously." The reaction from the Crown Property Bureau to a similar approach by a second businessman was completely negative; the self-described friend of the monarchy remarked afterwards: "these people live in an alternate reality."

JOHN